

REMARKS

Status of the Claims

Claims (Currently Amended) 1, 6, 11, and 16

Claims (Previously Amended) 5, 10, and 15

Claims (Original) 2-5, 7-9, 12-14, and 17-20

Request to Withdraw Finality of Office Action

The Examiner has indicated the Office Action mailed June 18, 2003 is final. Applicant respectfully requests that the Examiner withdraw the finality of the Office Action because the Examiner's reliance on the Horstmann reference is improper. The present application claims priority of U.S. Patent Application Serial No. 08/654,529 filed on May 29, 1996, now U.S. Patent 6,014,638 issued on January 11, 2000. The filing date of the Horstmann reference, which is also its effective date for prior art purposes, is April 9, 1998. Applicant's claim of priority predates the filing date of the Horstmann reference by more than one year. Applicant respectfully submits therefore, that the Examiner may not properly rely on the Horstmann reference and respectfully requests that the Examiner withdraw the finality of the Office Action.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. 5,710,884) in view of Ritchie (U.S. Pat. 6,292,530) and further in view of Horstmann (U.S. Pat. 6,285,985). Applicant respectfully submits that the Examiner's reliance on the Horstmann reference is improper because it postdates Applicant's filing date. Therefore, the Horstmann reference cannot be

combined with the Dedrick and Ritchie references to support the present rejections.

Applicant further respectfully submits that the Examiner's reliance on the Dedrick and Ritchie references is misplaced because the references do provide the teachings suggested by the Examiner, and therefore, do not render aspects of Applicant's invention obvious.

With respect to claim 1, the Examiner has argued that the "consumption formats" of Dedrick suggest the "model parameters" taught by Applicant. Consumption formats as taught by Dedrick are audio, video, graphics, animation, text, etc. They relate to the type or mode of an advertisement to be presented to a user. In contrast to the consumption formats of Dedrick, Applicant's model parameters relate to elements to be presented in a computer display and therefore, are related to layout of the display rather than the type or mode of advertisement to be presented (e.g., audio, video, graphics, animation). Specifically, model parameters are defined to be a preferred number of options to view (as represented by items appearing on a single display), preferred option or item shape (e.g., round, rectangular, square, etc.), preferred topics/categories/areas of interest (e.g., casual clothing, camping equipment), preferred merchants (e.g., ABC Co. Clothing, XYZ Camping Warehouse), preferred merchant products and services (e.g., ABC hiking boots, XYZ tents), preferred background music and sounds, etc. The preferred elements are then combined to create a unique computer display for a user.

Applicant respectfully submits that Dedrick neither teaches nor suggests anything more than setting values for variable fields in an advertisement developed by an

advertiser. Although Dedrick suggests that the ability to customize presentations to users is desirable, Dedrick does not suggest that a presentation may be customized to vary the overall layout based on the number of elements appearing on the presentation, the shapes appearing on the presentation, etc. In Dedrick, advertisers simply provide the advertisements that they want users to see. Advertisers provide the same advertisement in different formats (e.g., video, audio, etc.). Some formats of advertisements may contain variable fields so that values of the fields may be set at the time of presentation. However, the advertisements are not unique.

Applicant respectfully submits that Dedrick teaches away from customizing displays other than to change colors for pre-defined or preset fields because the purpose of the invention is to study user preferences so that advertisers can create targeted advertisements. Advertisers determine the content and layout of the advertisements that are presented to users. As a result, only trivial display elements such as colors of certain fields may be varied. If more significant variations are made, the advertisement will not conform to the advertiser's requirements and will no longer reflect the advertisement that the advertiser intended to present.

Applicant respectfully submits that creating unique presentations that vary the number of items and the appearance of items (e.g., shapes of items) represents a significant departure from the teachings of Dedrick. Automating the creation of displays that vary the layout is a far more complex task than selecting colors for predefined fields in a presentation as taught by Dedrick. Dedrick simply does not suggest customizing the layout of elements on a computer display, especially in a manner that could be

inconsistent with the intention of an advertiser, to create unique presentations for different users, and therefore, does not render obvious the "model parameters" as taught by Applicant.

With respect to Applicant's claim element of "actual display characteristics" selected independently of content data according to user profile data, it is the Examiner's position it is obvious in view of the "content adapter" of Dedrick. The content adapter of Dedrick is used to select an advertisement consumption format (e.g., audio, video, etc.) and the colors for the variable fields of the advertisement. In Applicant's invention, actual display characteristics relate to the model parameters used to alter the layout of the computer displays and therefore, to create unique displays for users. Applicant respectfully submits therefore, that the actual display characteristics of Applicant's invention are not obvious in view of Dedrick's content adapter which simply provides values for variable fields in advertisements designed and developed by advertisers.

Applicant further respectfully submits that Dedrick teaches away from selecting actual display characteristics independently of content data according to user profile data by stating on Col. 5, ll. 46-48 that the content adapter modifies electronic information based on personal profile data. In Dedrick, the advertisements (i.e., the content) are configured for users by selecting values for predefined fields based on profile data. There is no suggestion that content may be modified or presented in any other manner. In contrast to the teachings of Dedrick, Applicant's invention determines display characteristics related to the layout of a computer display and then incorporates

the content. Applicant's invention does not modify content for users as taught by Dedrick. Applicant respectfully submits that therefore, that selecting actual display characteristics independently of content data is not obvious in view of Dedrick.

Finally, with respect to claims 11 and 16, it is the Examiner's position that Ritchie teaches a plurality of merchants by referring to a single display that shows categories of goods. Applicant respectfully submits that simply organizing goods in categories does not mean that the goods are provided by more than one content provider. Ritchie teaches a system for generating and traversing web pages. For each web page, one content provider (i.e., web site) provides the content for the page. With respect to Fig. 7 cited by the Examiner, Ritchie states in Col. 11, ll. 24-65 that the page consists of icons for different categories of goods, but does not teach or even suggest that the goods may be provided by more than one content provider. Col. 16, ll. 27-46 indicates that the goods are part of an online catalog for a retailer and therefore, originate from a single content provider.

A content provider may use the Ritchie system to structure database content and generate web pages as taught by Ritchie. However, each content provider tailors the system for its own needs. Ritchie is full of examples in which a single content provider may use the system to its advantage. Col. 16, ll. 14-16 discusses a home shopping environment. Col. 16, ll. 16-18 discusses an online journal or newspaper. Because users in Ritchie traverse web sites using URLs, they may visit the sites of different content providers. In Ritchie, as in Dedrick, content providers (advertisers in Dedrick) control the content provided to users and aspects of presentation to users. Applicant

respectfully submits therefore, that Ritchie does not teach content from a plurality of merchants as taught by Applicant.

Applicant respectfully submits that the Dedrick and Ritchie references are deficient in many other ways not discussed in this response in view of the fact that the references have been improperly combined with Horstmann. It is particularly important to note that neither reference suggests configuring layouts as taught by Applicant to create unique displays for users. In Dedrick, the layout of the advertisement is the same for every user and is altered for appearance of fixed fields based on user preferences. Each advertisement originates from a single merchant, and the layout of the advertisement is not changed in any way for any user. In Ritchie, web pages are selected for users based on user preferences and interests. The order in which pages are supplied to users may be adjusted based on the user's preferences. However, the layout of the pages does not change based on user preferences or interests. Each content provider determines the content of the pages.

Applicant respectfully submits that the prior art does not teach a system and method for generating a unique computer display based on display characteristics as well as content provider data to create unique navigational experiences. Users with similar interests are not simply presented with the same pages of content altered only for format and appearance or for order as taught by Dedrick and Ritchie. The flexibility provided by Applicant's invention supports customization of displays based on layout. One user may prefer to view only a few items at a time while another user prefers to view many items at a time. Display aspects such as shapes of items are altered as

well. Applicant's invention supports the generation of unique displays based on these preferences. Applicant respectfully submits that independent claims 1, 6, 11, and 16 indicate clearly that displays are customized for each user based on display characteristics (e.g., number of items) as well as content (e.g., types of items) in order to create unique displays for every user.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is now in condition for allowance and respectfully requests such action.

Respectfully submitted,

Date: April 12, 2004

By: Carol G. Stovsky
Carol G. Stovsky
Reg. No. 42,171
Attorney for Applicants
Standley & Gilcrest LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017
Tel.: 614-792-5555
Fax: 614-792-5536